

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

----- X  
ALEX HERSHMAN and DORA :  
HERSHMAN, :  
: Plaintiffs, : 08 Civ. 7689 (CS)(GAY)  
v. :  
: :  
MEDTRONIC, INC., :  
: :  
Defendant. :----- X

**AFFIRMATION OF  
SERVICE**

**MAURICIO A. ESPAÑA**, an attorney admitted to practice in the courts of the State of New York, affirms under penalty of perjury:

1. I am associated with the firm of Mayer Brown LLP, attorneys for Defendant Medtronic, Inc.

2. On September 3, 2008, I served a true and correct copy of Defendant's Notice of Removal by overnight delivery, on the following attorneys appearing in the above-captioned action at the address designated by him for that purpose:

Christopher R. LoPalo, Esq.  
NAPOLI BERN RIPKA & ASSOCIATES LLP  
350 Fifth Avenue, Suite 7413  
New York, New York 10118  
(212) 267-3700

by depositing true and correct copies properly enclosed in postpaid wrappers into the custody of UPS, which is an overnight delivery service, for next-business day delivery, prior to the latest time designated by UPS for next business day service.

Dated: September 3, 2008  
New York, New York

  
Mauricio A. España